

**OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
Northern District of California**

CIVIL MINUTES

Date: April 7, 2022

Time: 2:06-2:27
21 minutes

Judge: EDWARD M. CHEN

Case No.: [18-cv-00855-EMC](#)

Case Name: 3Taps, Inc v. LinkedIn Corporation

Attorney for Plaintiff: Thomas Christopher

Attorney for Defendant: Annette Hurst

Deputy Clerk: Vicky Ayala

Court Reporter: Ana Dub

PROCEEDINGS

Motion to Dismiss and Further Case Management Conference - held

SUMMARY

Parties stated appearances.

For the reasons stated on the record, the Court grants LinkedIn's motion to dismiss for lack of standing/ripeness, but with leave to amend. 3taps may file an amended complaint **by 5/17/2022.**

In the amended complaint, 3taps must provide nonconclusory allegations as to how it has engaged in meaningful preparation to conduct data scraping activity. *Cf., e.g., Ass'n for Molecular Pathology v. United States PTO*, 689 F.3d 1303, 1318 (Fed. Cir. 2012) ("Following [the Supreme Court's decision in] *MedImmune*, [the Federal Circuit] has held that, to establish an injury in fact traceable to the patentee, a declaratory judgment plaintiff must allege both (1) an affirmative act by the patentee related to the enforcement of his patent rights, and (2) meaningful preparation to conduct potentially infringing activity."). Because 3taps has raised concern about divulging confidential business information to LinkedIn, which it asserts is a direct competitor (*i.e.*, both companies seek to monetize information that LinkedIn users provide to LinkedIn),

3taps may file a portion of its amended complaint under seal and with an Attorneys' Eyes Only (AEO) designation. Counsel for LinkedIn shall not share that portion of the amended complaint with its client absent further order of the Court. Counsel for LinkedIn shall also ensure that in-house counsel for LinkedIn shall not access that portion of the amended complaint (should, *e.g.*, they be registered efilers).